

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION

MOHAMMED LEBYED

VS.

ANDREW BURKS

NO. 5:08-cv-438-FL

COMPLAINT

1. Plaintiff resides at 3704 SUMMER SPRINGS DR,
FRANKLINTON, NC 27525

2. Defendant(s)' name(s) ANDREW BURKS - DOLLAR THRIFTY
AUTOMOTIVE GROUP

Location of principal office(s) of the named defendant(s):
2800 PLEASANT GROVE CHURCH RD.
RDU AIRPORT, NC 27623

Nature of defendant(s)' business: CAR RENTAL COMPANY

Approximate number of individuals employed by defendant:
50

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. § 2000e-5.

Equitable and other relief are also sought under 42 U.S.C. § 20003-5(g).

4. The acts complained of in this suit concern:

- (A) _____ Failure to employ me.
- (B) ☒ Termination of my employment.
- (C) _____ Failure to promote me.
- (D) ☒ Other acts as specified below:

1) RACIST COMMENTS REGARDING MY ARABIC ORIGIN.

2) UNEQUAL TREATMENT.

5. Plaintiff is:

- (A) _____ presently employed by the defendant.
- (B) ☒ not presently employed by the defendant.

The dates of his employment were 12/14/06
1/11/08. Employment was terminated
because:

- (1) ☒ plaintiff was discharged.
- (2) _____ plaintiff was laid off.
- (3) _____ plaintiff left job voluntarily.

6. Defendant(s)' conduct is discriminatory with respect to the following:

- (A) ☒ my race. ARABIC
- (B) ☒ my religion.
- (C) ☐ my sex.
- (D) ☒ my national origin.
- (E) ☐ other as specified below:

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant company is (are)

ANDREW BURKS, CAUCASION MALE, GENERAL MANAGER

8. The alleged discrimination occurred on or about

JANUARY 11, 2008 & DECEMBER 10, 2007

9. The nature of my complaint, i.e. the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment is as follows:

After a management meeting, I stayed in the office with the general managers, Andrew Burks, asking him about Dollar Thrifty benefits and the requirements to open a location in a different country. Andrew Burks then asked me where I wanted to open the location. I informed him that I was interested in opening a location in my home country, Morocco. He responded by stating "What are you going to rent to the people, camels?" This remark was very offensive to me.

One month later, Dollar Thrifty Group found a car missing on the lot. Andrew Burks tried to blame me for the theft. He called me into his office (detaining me for over an hour), interrogating and pressuring me; while using offensive profanity against me.

10. The alleged illegal activity took place at:

DOLLAR / THRIFTY LOCATION.

11. I filed charges with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on or about MAY 13, 2008. I have attached a copy of the Notice-of-Right-to-Sue letter issued by the Equal Employment

He then terminated my employment and gave a false statement to police in order to cause a malicious arrest. Even after passing a polygraph test, Andrew Burks wrote another statement to police insisting I was guilty.

Opportunity Commission.. This letter was received by me on

6/4/08

12. I seek the following relief:

(A) ✓ recovery of back pay;

(B) _____ reinstatement to my former job;

(C) ✓ trial by jury on all issues so triable;

and any other relief as may be appropriate, including
injunctive orders, damages, costs and attorney's fees.

8/28/08

DATE

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SIGNATURE OF PLAINTIFF

3704 Summer Springs Dr

FRANKLINTON NC 27525

407-756-3814

919-528-6216

ADDRESS AND PHONE NUMBER OF PLAINTIFF

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Mohammed Lebyed**
3704 Summer Springs Drive
Franklinton, NC 27525

From: **Raleigh Area Office**
1309 Annapolis Drive
Raleigh, NC 27608



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

433-2008-05514

Thomas M. Colclough,
Director

(919) 856-4085

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

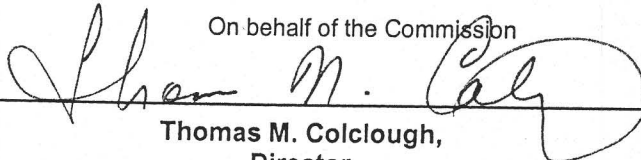
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the on notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years before you file suit may not be collectible.**

On behalf of the Commission


Thomas M. Colclough,
Director

Enclosures(s)

6-2-08

(Date Mailed)

cc:

Andrew Brucks
General Manager
DOLLAR RENT-A-CAR, INC.
1009 Rental Car Drive
Morrisville, NC 27560